

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

| | | |
|----------------------------|---|------------------|
| GAIL J. AVERY, | } | |
| | } | |
| Plaintiff, | } | |
| | } | |
| v. | } | CIVIL ACTION NO. |
| | } | 06-AR-0195-S |
| | } | |
| LEGAL SERVICES OF ALABAMA, | } | |
| | } | |
| Defendant. | } | |


MEMORANDUM OPINION

The motion of Michele G. Bradford filed on July 28, 2006, for leave to withdraw as counsel for plaintiff, and the virtually identical motion filed on August 10, 2006, were both called for hearing at the court's regular motion docket on August 11, 2006. All interested parties had been notified that the matter was set for oral argument. Neither Michele Bradford nor her client, Gail J. Avery, appeared. However, Legal Services of Alabama, by counsel, appeared specially and for the limited purpose of pointing out that plaintiff still has not obtained service of process on defendant despite this court's order of July 26, 2006, that expressly provided: "Unless proof of proper service is received by 4:30 p.m., August 4, 2006, the action will be dismissed".

Defendant's motion filed on July 19, 2006, for a dismissal pursuant to Rule 4(m), F.R.Civ.P., was served on Michele G. Bradford, plaintiff's counsel, and presumably was shared by Ms. Bradford with her client. This court's unwritten rule is to deny

attorneys' motions for leave to withdraw unless and until substitute counsel has actually appeared. That unwritten rule will be observed in this case by an appropriate separate order.

DONE this 14th day of August, 2006.


WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE